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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 JERREL WILLIAMS,

12 Plaintiff,

13 v.

14 DIRECTOR OF CORRECTIONS, et al.,

15 Defendants.
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No. 2:19-CV-2611-KJM-DMC-P

FINDINGS AND RECOMMENDATIONS

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42
18 U.S.C. § 1983.

19 On August 4, 2021, the Court issued an order addressing the sufficiency of
20 Plaintiff's first amended complaint. See ECF No. 10. The Court concluded Plaintiff states a
21 cognizable Eighth Amendment medical care claim against Defendant Wong, but otherwise failed
22 to state a claim against Defendants Cates and Lizarraga. See id. at 3. The Court provided
23 Plaintiff an opportunity to amend and was informed that, if no first amended complaint was filed
24 within the time provided therefor, the case would proceed on the original complaint and that
25 defective claims would be dismissed. See id. at 4. To date, Plaintiff has elected not to file a first
26 amended complaint and the Court now recommends dismissal of Defendants Cates and Lizarraga
27 for the reasons set forth in the August 4, 2021, order.

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Based on the foregoing, the undersigned recommends that:

1. Cates and Lizarraga be dismissed as defendants to this action for failure to state a claim; and

2. The case proceed on Plaintiff's Eighth Amendment medical care claim against Defendant Wong only.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days after being served with these findings and recommendations, any party may file written objections with the Court. Responses to objections shall be filed within 14 days after service of objections. Failure to file objections within the specified time may waive the right to appeal. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: October 27, 2021



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE